

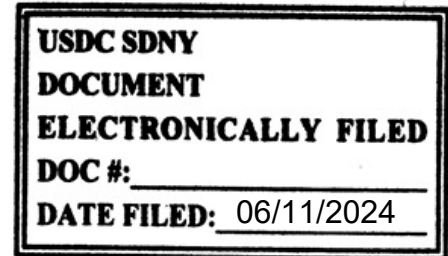
# Press Koral LLP

Partners  
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April 26, 2024

## VIA ECF

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007



Re: *Hedgeye Risk Mgmt., LLC v. Dale, et. al.*, No. 1:21-cv-03687-ALC-RWL

Dear Judge Carter:

On behalf of Counterclaimants Nadine Terman and Solstein Capital LLC, we seek leave to file certain allegations of the Second Amended Counterclaims under seal, that are derived in part from data that Plaintiff Hedgeye Risk Management (“Hedgeye”) provided in discovery under designation as “Attorneys’ Eyes Only.” We do so consistent with the protective order, with Plaintiff’s stated position as to this material and the Court’s prior orders. However, we do not believe that the redactions are warranted in this instance. The redacted allegations do not reveal any proprietary trading information but merely report aggregate numbers of trades made the fall within certain general parameters. Although this information may be personally embarrassing, it does not reveal anything that would pose any risk of competitive harm to Plaintiff.

Respectfully submitted,

/s Jason Koral  
Jason Koral.  
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Plaintiff has not filed any request to confirm sealing of information in the Second Amended Counterclaims. The Court has reviewed the material at issue and finds that none of it qualifies for sealing under the requisite Second Circuit standards. Accordingly, by June 18, 2024, Counterclaimants Terman and Solstein shall file an unredacted copy of their Second Amended Counterclaims.

SO ORDERED:

06/11/2024

A handwritten signature in black ink, appearing to be 'R. Lehrburger', written over a horizontal line.

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE